

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICKEY C. LAYNE,

Plaintiff,

v.

Case No. 20-CV-307-SPM

KHADAR A. ALI, an individual and
AIN EXPRESS, LLC.,

Defendants/Third-Party Plaintiffs,

v.

RRR TRANSPORTATION COMPANY
and SOUTHEAST PERSONNEL
LEASING, INC.,

Third-Party Defendants.

MEMORANDUM AND ORDER

McGLYNN, District Judge:

Pending before the Court is a Motion for More Definite Statement pursuant to Rule 12(e) of the Federal Rules of Civil Procedure filed by Third-Party Defendant, Southast Personnel Leasing, Inc. (Doc. 64). For the reasons set forth below, the Court DENIES the Motion to Dismiss.

BACKGROUND

On April 20, 2021, defendants/third-party plaintiffs, Ain Express, L.L.C. (“Ain”) and Khadar A. Ali (“Ali”), filed their third-party complaint against third-party defendants, RRR Transportation Company (“RRR”) and SouthEast Personnel Leasing, Inc. (“SEPL”) (Doc. 45). Within the complaint, Ain/Ali assert one-count of negligence

against the third-party defendants predicated upon the conduct of Sharon G. Layne, who was an employee of SEPL and an agent of RRR Transportation (*Id.*).

On July 6, 2021, SEPL filed its motion for more definite statement, claiming that the third-party complaint failed to separate the counts against each third-party defendant, which are separate and distinct entities (Doc. 64). SEPL alleges that the third-party complaint is so deficient that it cannot reasonably prepare a response (*Id.*).

On July 19, 2021, Ain/Ali filed their response in opposition to the motion for more definite statement (Doc. 68). Ain/Ali aver that there is no ambiguity in the third-party complaint, and further claim that the allegations in the third-party complaint are asserted against both SEPL and RRR, as employer(s) and agent(s) of Sharon Layne, respectively (*Id.*).

LAW

Motions for more definite statement are governed by Rule 12(e) of the Federal Rules of Civil Procedure, which provides: “If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, he may move for a more definite statement before interposing his responsive pleading.” FED. R. CIV. P. 12(e). Motions for a more definite statement are generally disfavored, and courts should grant such motions only if the complaint is so unintelligible that the defendant cannot draft a responsive pleading. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 513 (2002). Rule 12(e) motions are not to be used as substitutions for discovery. *Id.*; *see also* 5 C. Wright & A. Miller, Federal Practice & Procedure § 1376 at 737–41 (1969).

Federal pleading requires notice, not fact pleading. According to Rule 8 of the Federal Rules of Civil Procedure, a claim for relief must contain (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief. FED. R. CIV. P. 8.

ANALYSIS

Here, the factual details SEPL seeks could be addressed during the discovery process. The third-party complaint is not so vague, ambiguous, or unintelligible that SEPL cannot reasonably frame its responsive pleading. *See Swierkiewicz*, 534 U.S. at 513 ; *see also George v. Kraft Foods Global, Inc.*, No. 06-cv-798-DRH, 2007 WL 853998, at *2 (S.D. Ill. Mar. 16, 2007) (noting that motions for more definite statement are not intended as a substitute for obtaining factual details through the normal discovery process).

SEPL has been placed on notice of the claim filed by Ain/Ali. This Court has jurisdiction as a result of an automobile accident that occurred within this judicial district (Doc. 45). Ain/Ali set forth the basis for liability of SEPL and also made a demand for relief sought (*Id.*).

CONCLUSION

In light of the foregoing, the Motion for More Definite Statement filed by Southeast Personnel Leasing, Inc. is DENIED, and SEPL is **ORDERED** to answer the third-party complaint within 21 days, or by August 26, 2021.

IT IS SO ORDERED.

DATED: August 4, 2021

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge